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May 12, 2006

VIA FACSIMILE AND U.S. MAIL

The Honorable Magistrate Judge James Larson
United States District Court
Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

Re: *Roger-Vasselin, et al. v. Marriott et al.*
U.S.D.C. No. 04-04027 (TEH)
Our File No. 1010-1

Dear Chief Magistrate Larson:

This is in response to the Court's Notice of Settlement Conference and Settlement Conference Order dated May 8, 2006. Plaintiffs and defendants, by and through their undersigned counsel, jointly and respectfully request that the Court vacate the Order.

The reason is that the parties will engage in private mediation with Mark Rudy on May 25th. We are in the process of preparing mediation briefs and have obtained airline tickets to travel to San Francisco. We believe this private mediation will be our best shot at resolving this complex case prior to trial.

This is especially true because of the timing. May 25 is a little over ten days from now. By June 6th, the date of this Court's settlement conference, significant expert discovery will have occurred. June 6th is also the date all motions in limine are due. June 9th is when the pretrial submissions are due.

In short, the planned private mediation will fulfill the parties' obligation to attempt settlement and will do so in a timeframe more likely to succeed.

If the Court nonetheless wishes to conduct a settlement conference, we request that it be continued until June 15, 16, 17th or later. Plaintiff Kenneth Arrick has a long scheduled vacation with his family until June 13th.

RECEIVED

MAY 12 2006

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FILED

MAY 17 2006


RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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Thank you for your consideration.

MORRISON & FOERSTER


By: James Boddy

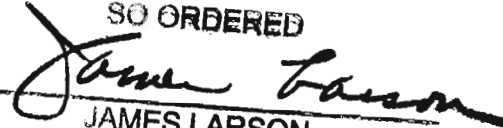
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cc: The Honorable Thelton E. Henderson

Respectfully submitted,
ROSEN, BIEN & ASARO, LLP


By: Gay Crosthwait Grunfeld

The settlement conference is off calendar and the parties are directed to contact the chambers after the mediation.

SO ORDERED

JAMES LARSON
U.S. CHIEF MAGISTRATE JUDGE